

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

FAROUK SYSTEMS, INC.

*Plaintiff,*

v.

ZOONDA SUPPLY a/k/a ZOONDA a/k/a  
ZOONDA DISTRIBUTOR SUPPLY;  
MOR ENTERPRISES; MAOR  
MELLOUL, an individual; MORDECHAI  
ELAZAR, an individual; JOHN AND  
JANE DOES 1-15; and XYZ CORPS. 1-  
15,

*Defendants.*

§ CIVIL ACTION NO. 4:08-mc-276

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

08 cv 1872  
FILED UNDER SEAL PURSUANT  
TO 15 U.S.C. § 1116

---

**DECLARATION OF SHAUKY GULAMANI IN SUPPORT OF PLAINTIFF'S *EX PARTE* APPLICATION FOR TEMPORARY RESTRAINING ORDER, SEIZURE ORDER, ORDER RESTRAINING TRANSFER OF ASSETS, ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION AND ORDER FOR EXPEDITED DISCOVERY**

---

I, Shauky Gulamani, under penalty of perjury, declares and says:

1. I am the President of Plaintiff Farouk Systems, Inc. ("FSI"), located at 250 Pennbright Drive, Houston, TX 77090. As part of my responsibilities, I am very familiar with the quality and characteristics of genuine FSI products, including hair straighteners and other hair care products bearing FSI's well-known federally registered trademark CHI® and other trademarks.

2. I submit this declaration in support of FSI's *ex parte* Application for a Temporary Restraining Order, Seizure Order, Order Restraining Transfer of Assets, Order to Show Cause for a Preliminary Injunction, Order For Expedited Discovery and

Order Sealing File against ZOONDA SUPPLY a/k/a ZOONDA a/k/a ZOONDA DISTRIBUTOR SUPPLY, MOR ENTERPRISES, MAOR MELLOUL, an individual, MORDECHAI ELAZAR, an individual, JOHN AND JANE DOES 1-15, and XYZ CORPS. 1-15 (collectively, “Defendants”).

3. If called upon as a witness, I could testify as to all facts set forth in this declaration, from my personal knowledge, or my review of FSI’s files.

4. FSI designs, manufactures and sells of a wide range of high-quality and innovative hair care products. FSI has been in the hair care business for nearly two decades and has achieved an outstanding worldwide reputation in the industry. FSI is currently recognized by consumers as one of the leaders in the hair care industry and is known for its high-quality and unique designs. FSI has also become known for its commitment to customer service.

5. FSI’s products, including electric hair curling irons, electric hand held hair dryers, electric flat irons, electric hair straighteners, electric hair styling irons, and hair-care products are sold under FSI’s trademark CHI® (“CHI® Products”).

6. FSI’s CHI® branded hair care products are sold by FSI to the general public only through authorized retail outlets such as salons, professional hair stylists and other select retail outlets.

7. FSI is the owner of the entire right, title and interest in and to dozens of trademark registrations in the United States and throughout the world including for the mark CHI®. In the U.S., FSI owns Registrations Nos. 2,660,257 and 3,107,769 for the mark CHI® with United States Patent and Trademark Office. Both of the foregoing federal registrations are valid, subsisting, and in full force and effect. FSI and its

predecessor-in-interest has used its mark CHI® in interstate commerce since 2002 in connection with its sale of CHI® Products, and plans to continue such use in the future. True and correct copies of photographs showing FSI's genuine hair straighteners bearing the mark CHI® are attached hereto as Exhibit A.

8. Additionally, FSI is the owner of: U.S. Trademark Registration No. 3,426,769 for the mark CHI® for hair coloring preparations, namely, hair color lighteners, color lock treatments, color developers, and colors; U.S. Trademark Registration No. 3,387,588 for the mark CHI® NANO for various hair straighteners; U.S. Trademark Registration No. 3,331,008 for the mark ULTRA CHI® for hair dryers; and U.S. Trademark Application Serial No. 76/512,597 for the mark CHI® for hair care products, namely, shampoo, thermal hair protective treatment, hair strengthening treatment, hair conditioner; hair care preparations, namely, solutions which bond to the hair to strengthen the hair, and solutions to transform frizzy, curly, or damaged hair. The marks identified in Paragraphs 7 and 8 are, collectively, the "CHI® Marks".

9. The CHI® Marks are associated exclusively with CHI® Products. As a result of FSI's marketing and advertising of its products and other business generation efforts to promote the CHI® Marks, the CHI® Marks have become well-known in the United States with customers and potential customers as identifying FSI's products and services. Consequently, FSI has acquired and enjoys a valuable reputation and significant goodwill associated with the CHI® Marks on the CHI® Products.

10. Each year FSI spends hundreds of thousands of dollars in advertising, marketing, and promoting CHI® Products throughout the world. Products bearing the

CHI® Marks are closely associated with FSI's reputation in the eyes of the public and in the hair care industry. FSI's CHI® Marks are thus invaluable assets to FSI.

11. Given the great value of the CHI® Marks to FSI, FSI makes great efforts to enforce its mark and combat the distribution and sale of counterfeits of CHI® Products bearing CHI® Marks.

12. To that end, FSI instructed outside counsel Greenberg Traurig, LLP ("GT") and outside investigators Corporate Loss Prevention Associates ("CLPA") to investigate a seller of counterfeit CHI® hair straighteners operating under the name "Zoonda". FSI previously learned that Zoonda was selling CHI® hair straighteners through a third party target who provided FSI with information about counterfeit CHI® hair straighteners that the third party had purchased on the website <http://www.iOffer.com> from the seller "Zoonda".

13. GT and CLPA, through their investigation, learned that the Defendants named in this action are wrongfully using the CHI® Marks in connection with the manufacture, distribution, advertising, importing, exporting, offering for sale and sale of counterfeit copies of CHI® hair straighteners throughout the United States and worldwide ("Counterfeit Straighteners"). Defendants are in no way authorized by FSI to manufacture, sell or offer for sale hair straighteners bearing FSI's CHI® Marks.

14. On May 2, 2008, FSI received a Counterfeit Straightener that CLPA purchased from Defendants. Upon examination, I have determined it to be counterfeit. Representative photographs of the Counterfeit Straightener are attached hereto as Exhibit B.

15. I have determined that the Counterfeit Straightener that I examined is counterfeit for a variety of reasons including, without limitation, the following:


- a. the material, texture and finish of the Counterfeit Straightener are different from that of a genuine CHI® hair straightener;
- b. the component parts of the Counterfeit Straightener are not the authentic parts found on a genuine CHI® hair straightener manufactured by FSI;
- c. the box and packaging materials of the Counterfeit Straightener are different from that of a genuine CHI® hair straightener;
- d. the identification codes on the Counterfeit Straightener are not genuine and show it to be a Counterfeit Straightener; and
- e. the overall construction and quality Counterfeit Straightener are not the same as a genuine CHI® hair straightener.

16. While the Counterfeit Straighteners have been designed to be exact copies of genuine CHI® hair straighteners and are being sold as genuine CHI® hair straighteners, the Counterfeit Straighteners are not of the same quality as genuine CHI® hair straighteners. FSI did not inspect, package or approve the Counterfeit Straighteners for sale and/or distribution.

17. The Counterfeit Straighteners are so similar to genuine CHI® hair straighteners it is likely consumers will be deceived, at least initially, into mistakenly believing Defendants' Counterfeit Straighteners are authentic CHI® hair straighteners.

18. Defendants' sale of Counterfeit Straighteners is damaging FSI's reputation and goodwill and FSI's rightful market position.

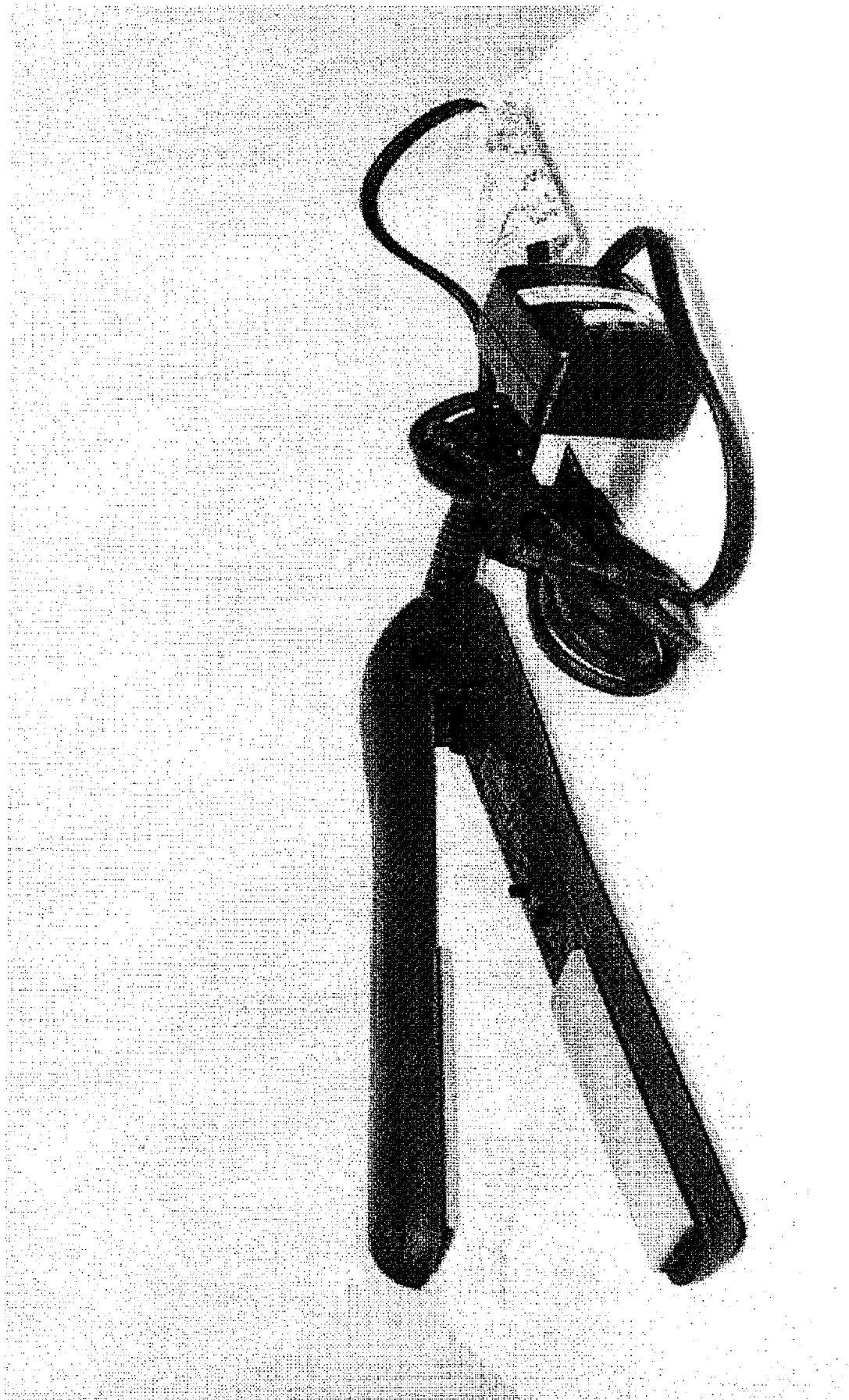
I declare under penalty of perjury that the foregoing is true and correct. Executed  
at Houston, Texas on June 3, 2003.



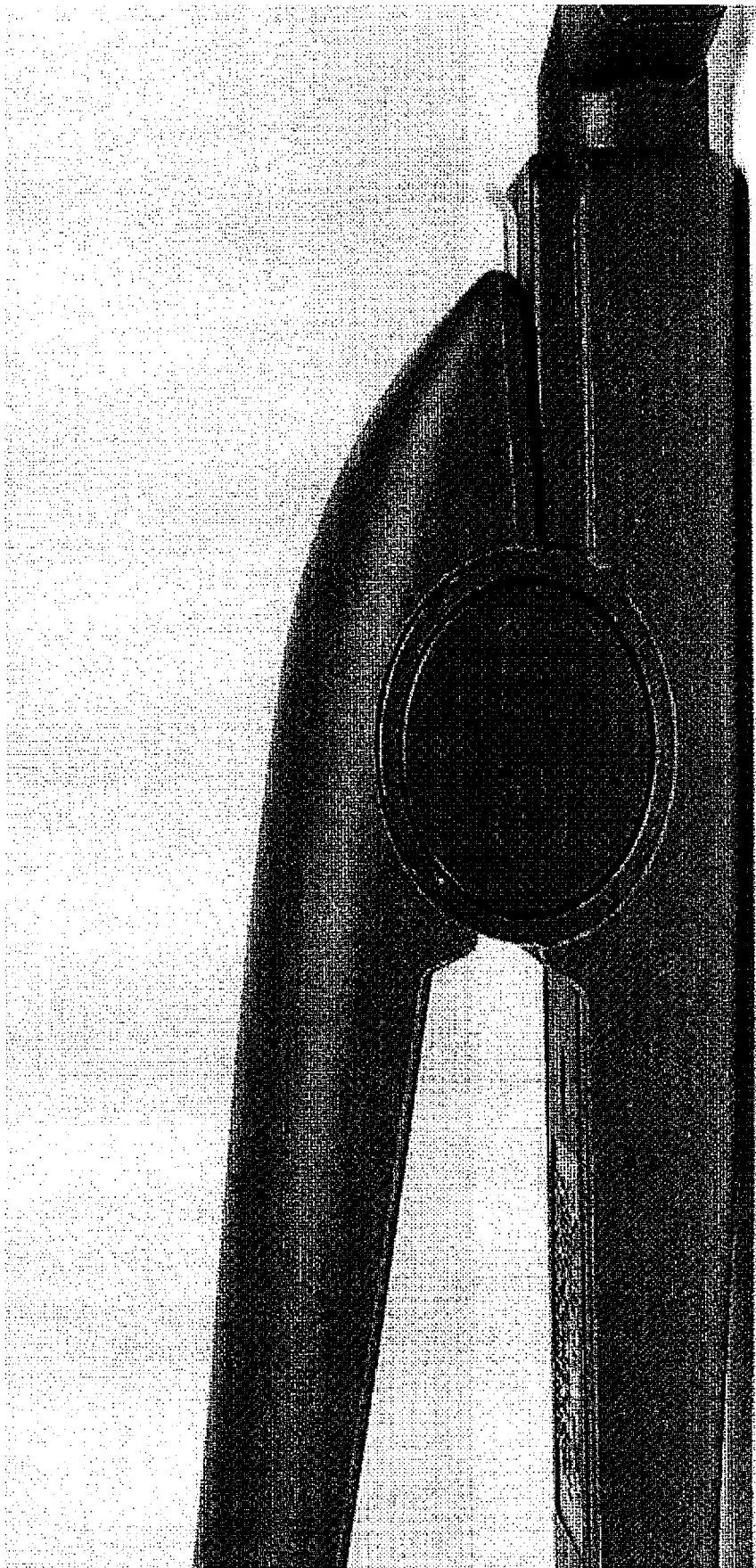
SHAIKY GULAMANI

# EXHIBIT

# A

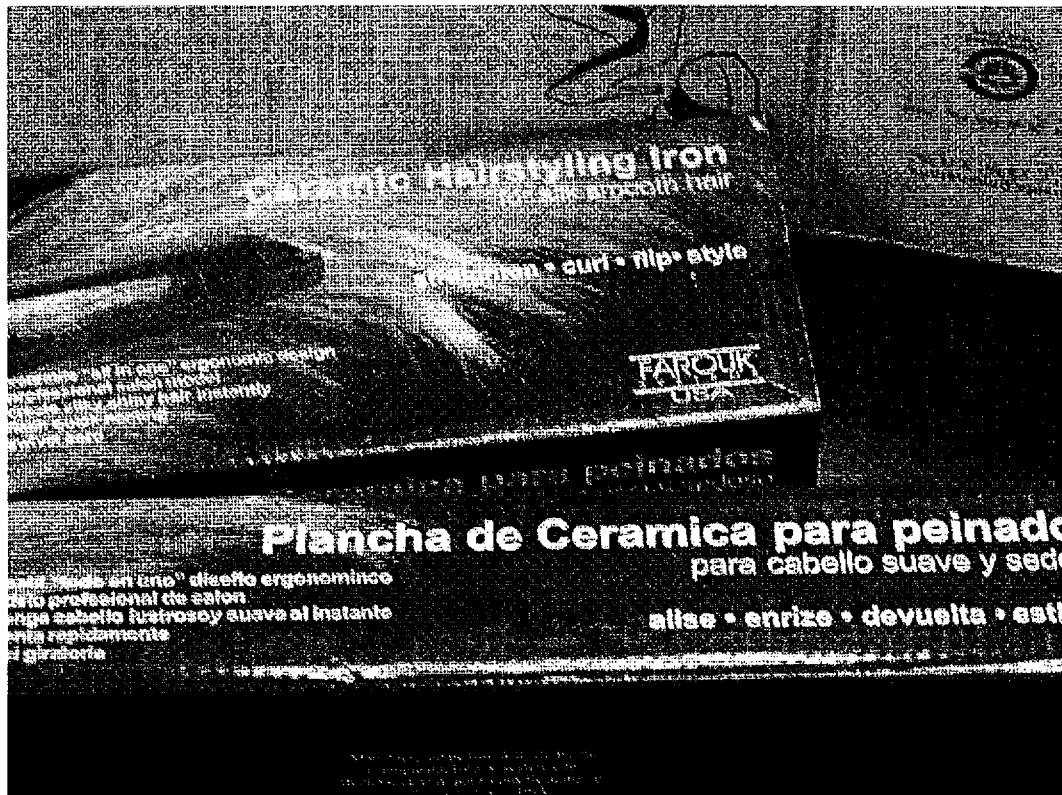






# EXHIBIT

# B



**Case #: 08-004 Farouk/ Chi Hair Straighteners**

**Date: 04-29-2008**

**Subject: Zoonda-**

**Chi Ceramic Hairstyling Iron Model #: GF1001**

**Corporate Loss Prevention Associates  
2635 Pettit Avenue  
Bellmore, New York 11710  
Phone #: 516-409-0003**



**Case #: 08-004 Farouk/ Chi Hair Straighteners**

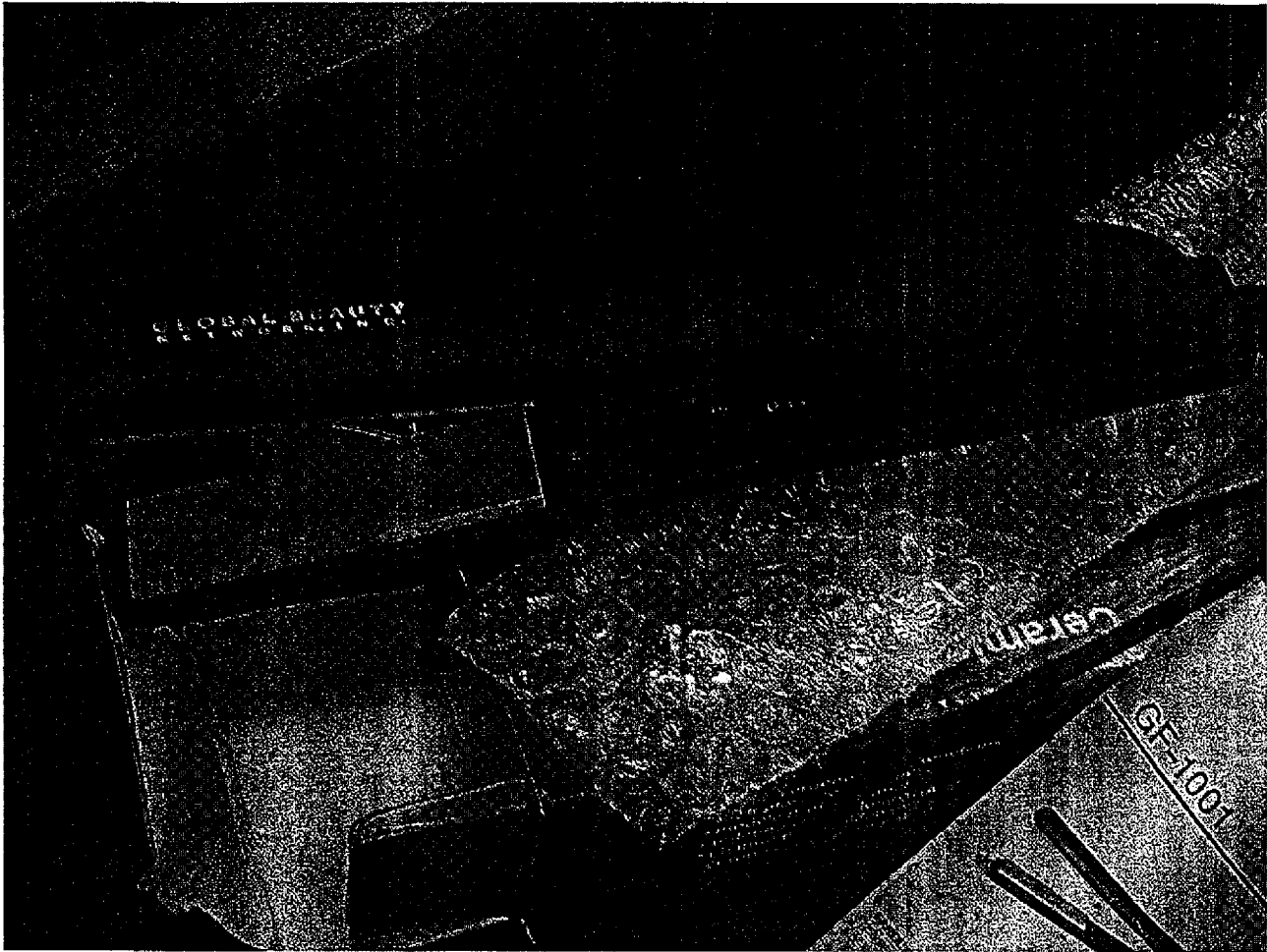
**Date: 04-29-2008**

**Subject: Zoonda-**

**Chi Ceramic Hairstyling Iron Model #: GF1001**

**Corporate Loss Prevention Associates  
2635 Pettit Avenue  
Bellmore, New York 11710  
Phone #: 516-409-0003**





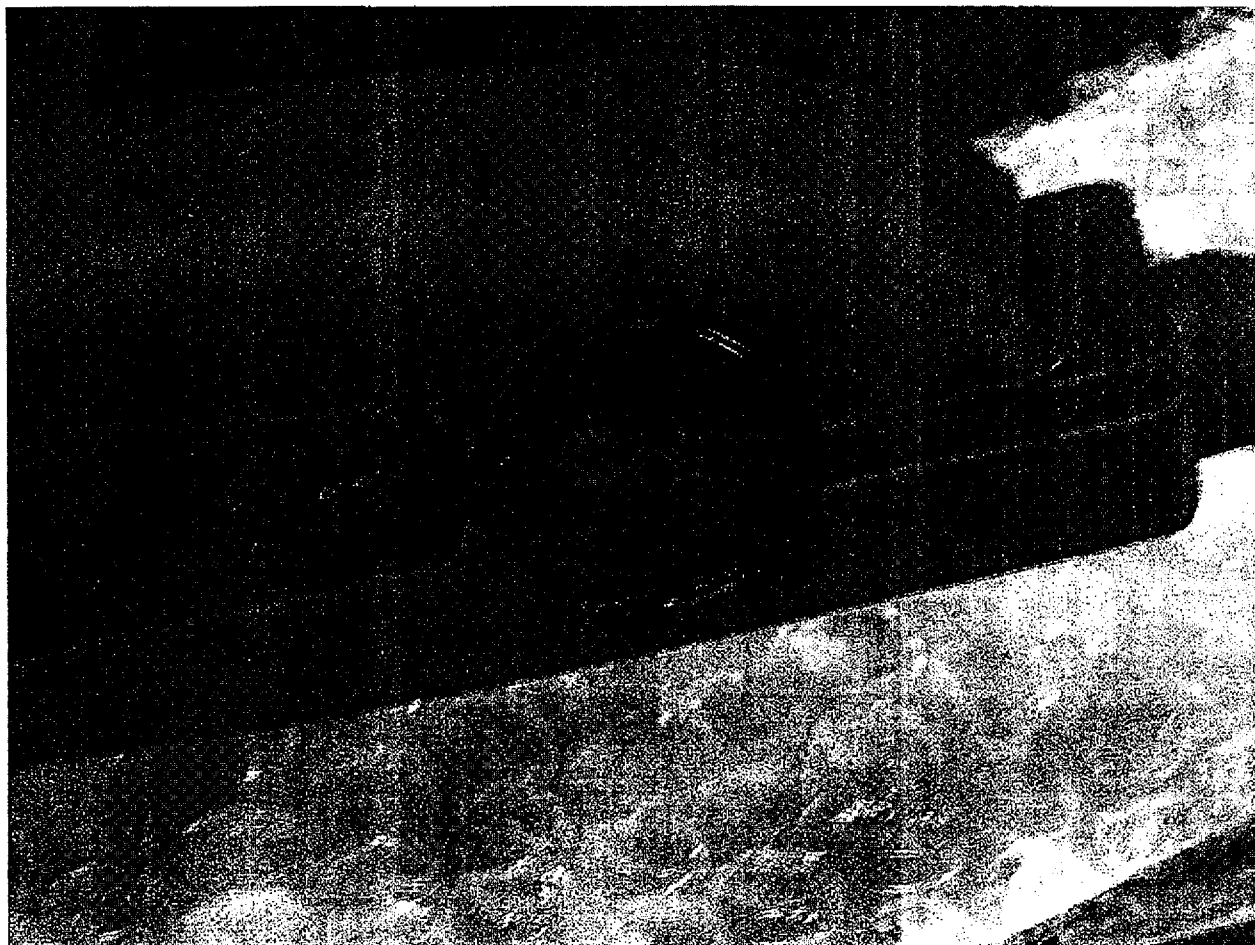
**Case #: 08-004 Farouk/ Chi Hair Straighteners**

**Date: 04-29-2008**

**Subject: Zoonda-**

**Chi Ceramic Hairstyling Iron Model #: GF1001**

**Corporate Loss Prevention Associates  
2635 Pettit Avenue  
Bellmore, New York 11710  
Phone #: 516-409-0003**



**Case #: 08-004 Farouk/ Chi Hair Straighteners**

**Date: 04-29-2008**

**Subject: Zoonda-**

**Chi Ceramic Hairstyling Iron Model #: GF1001**

**Corporate Loss Prevention Associates  
2635 Pettit Avenue  
Bellmore, New York 11710  
Phone #: 516-409-0003**



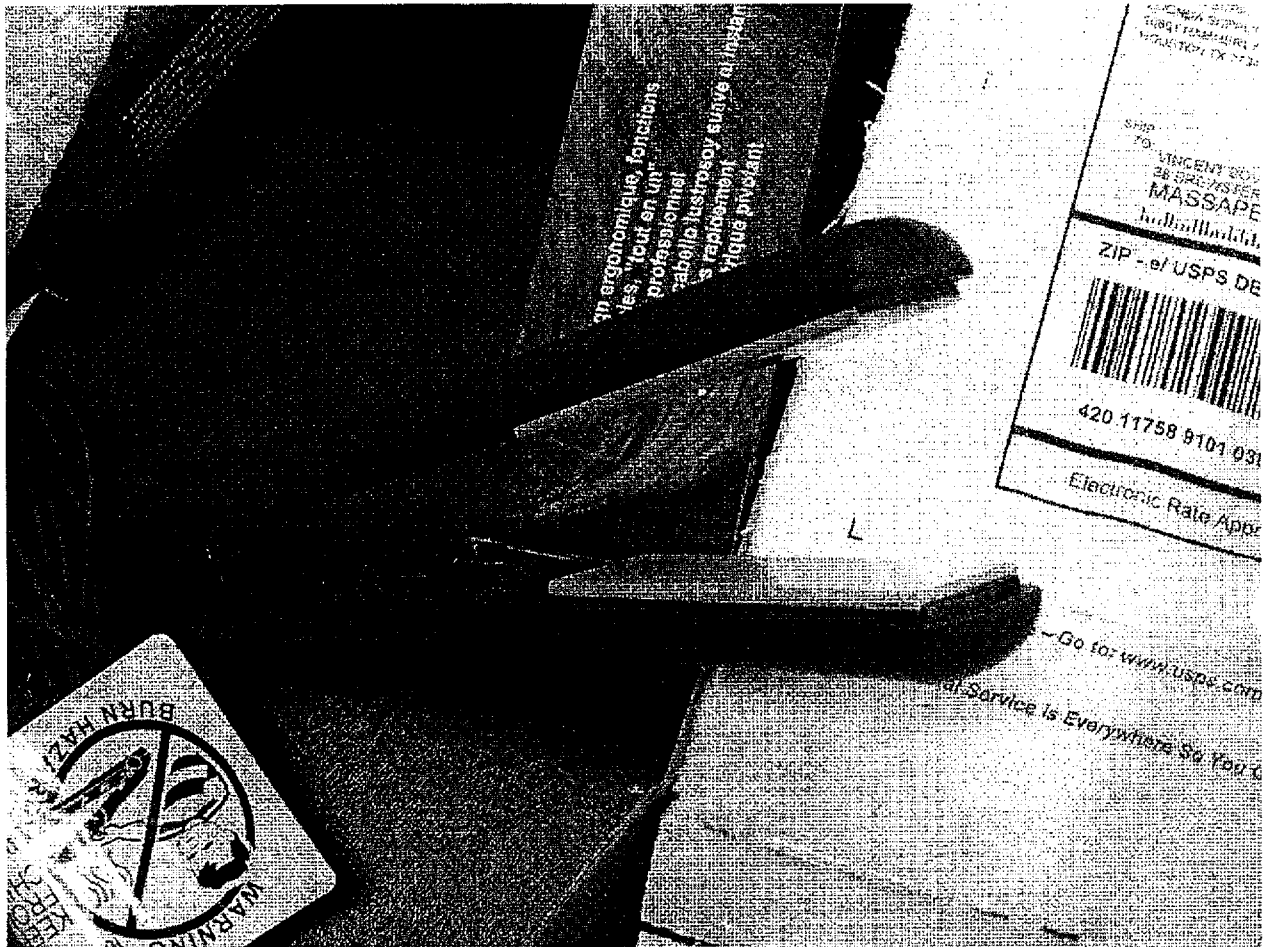
**Case #: 08-004 Farouk/ Chi Hair Straighteners**

**Date: 04-29-2008**

**Subject: Zoonda-**

**Chi Ceramic Hairstyling Iron Model #: GF1001**

**Corporate Loss Prevention Associates  
2635 Pettit Avenue  
Bellmore, New York 11710  
Phone #: 516-409-0003**



**Case #: 08-004 Farouk/ Chi Hair Straighteners**

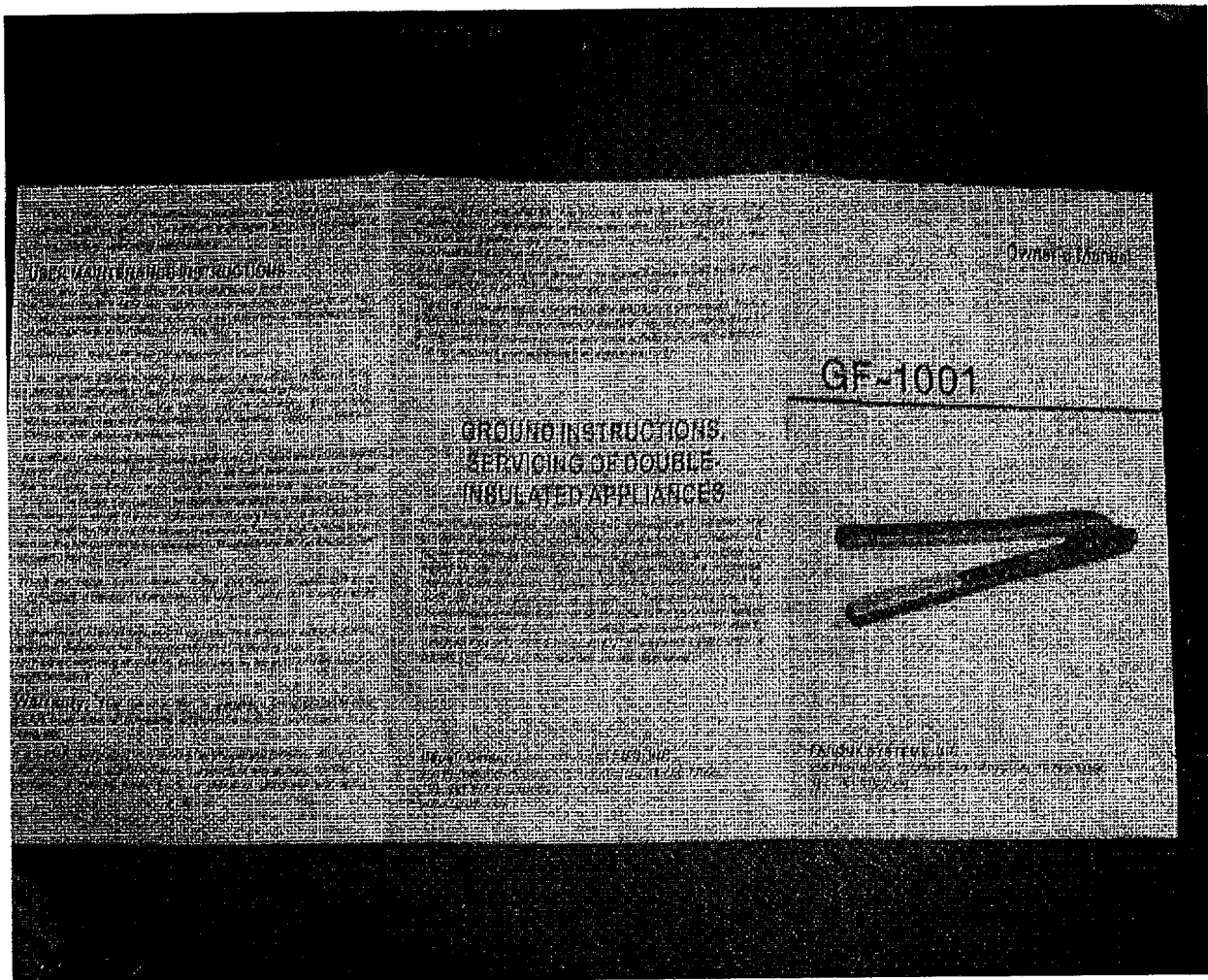
**Date: 04-29-2008**

**Subject: Zoonda-**

**Chi Ceramic Hairstyling Iron Model #: GF1001**

**Corporate Loss Prevention Associates  
2635 Pettit Avenue  
Bellmore, New York 11710  
Phone #: 516-409-0003**





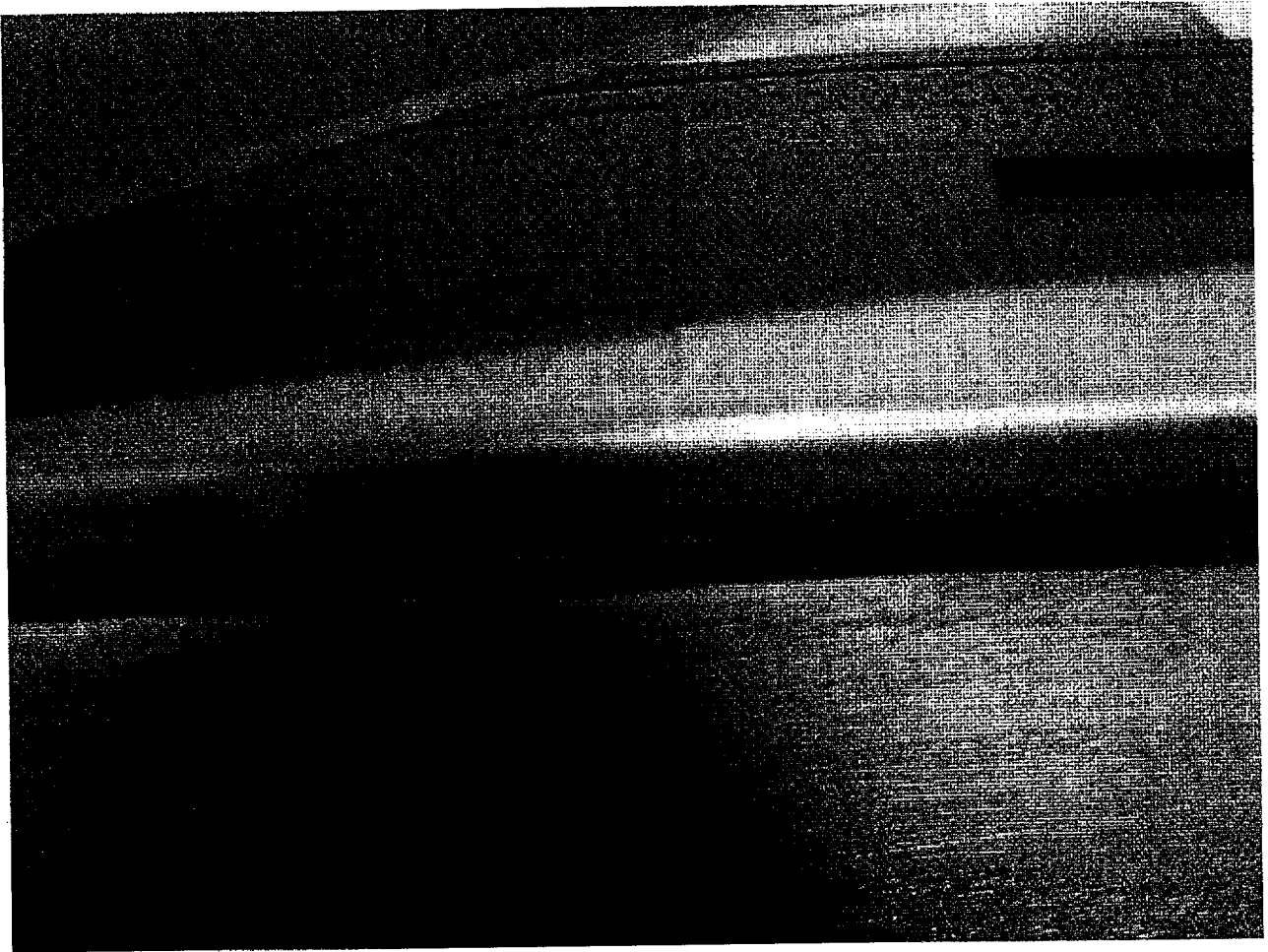
**Case #: 08-004 Farouk/ Chi Hair Straighteners**

**Date: 04-29-2008**

**Subject: Zoonda-**

**Chi Ceramic Hairstyling Iron Model #: GF1001**

**Corporate Loss Prevention Associates  
2635 Pettit Avenue  
Bellmore, New York 11710  
Phone #: 516-409-0003**



**Case #: 08-004 Farouk/ Chi Hair Straighteners**

**Date: 04-29-2008**

**Subject: Zoonda-**

**Chi Ceramic Hairstyling Iron Model #: GF1001**

**Corporate Loss Prevention Associates  
2635 Pettit Avenue  
Bellmore, New York 11710  
Phone #: 516-409-0003**